# Executive Summary – Enforcement Matter – Case No. 48938 J&S Water Company, L.L.C. RN101270080 Docket No. 2014-0955-PWS-E

**Order Type:** 

Findings Agreed Order

## **Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

**PWS** 

**Small Business:** 

Yes

**Location(s) Where Violation(s) Occurred:** 

Woodland Acres Subdivision, 4914 Riverview Drive, near Mont Belvieu, Chambers County

**Type of Operation:** 

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 10, 2014

Comments Received: No

# **Penalty Information**

**Total Penalty Assessed: \$550** 

Amount Deferred for Expedited Settlement: \$0 Amount Deferred for Financial Inability to Pay: \$0

**Total Paid to General Revenue:** \$550 **Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:** 

Person/CN - Satisfactory

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: \$425

Applicable Penalty Policy: September 2002 and April 2014

# Executive Summary – Enforcement Matter – Case No. 48938 J&S Water Company, L.L.C. RN101270080 Docket No. 2014-0955-PWS-E

## **Investigation Information**

**Complaint Date(s):** N/A

**Complaint Information:** N/A

Date(s) of Investigation: May 27, 2014 through June 13, 2014

**Date(s) of NOE(s):** June 13, 2014

## **Violation Information**

- 1. Failed to timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to timely provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR [30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f)].
- 2. Failed to timely mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to timely submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements [30 Tex. Admin. Code § 290.117(i)(6) and (j)].

# Corrective Actions/Technical Requirements

# **Corrective Action(s) Completed:**

The Respondent has implemented the following:

- a. On July 16, 2014, provided the DLQORs for the first quarter through the third quarter of 2011, the first quarter through the fourth quarter of 2012, and the second quarter through the fourth quarter of 2013;
- b. On July 16, 2014, provided the lead consumer notification for the January 1, 2013 through December 31, 2013 monitoring period; and
- c. On August 4, 2014, provided the public notifications regarding the failure to submit DLQORs for the first and second quarters of 2011 and the second quarter of 2013.

# **Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
- i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including but not limited to the public notifications regarding the failure to submit DLQORs; and
- ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs.

# Executive Summary – Enforcement Matter – Case No. 48938 J&S Water Company, L.L.C. RN101270080 Docket No. 2014-0955-PWS-E

- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.i.
- c. Within 90 days, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
- d. Within 285 days, submit written certification demonstrating compliance with Ordering Provision c.

# Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

## **Contact Information**

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Lisa Westbrook, Enforcement Division,

Enforcement Team 2, MC 169, (512) 239-1160; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Charles J. Nowling, Director, J&S Water Company, L.L.C., P.O. Box

1165, Highlands, Texas 77562

Timothy M. Ervin, Vice President, J&S Water Company, L.L.C., P.O. Box 1165,

Highlands, Texas 77562

Respondent's Attorney: N/A

#### Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) Assigned 16-Jun-2014 Screening 3-Jul-2014 7-Aug-2014 **EPA Due** 30-Jun-2013 RESPONDENT/FACILITY INFORMATION Respondent J&S Water Company, L.L.C Reg. Ent. Ref. No. RN101270080 Facility/Site Region 12-Houston Major/Minor Source Major CASE INFORMATION Enf./Case ID No. 48938 No. of Violations 1 Docket No. 2014-0955-PWS-E Order Type Findings Media Program(s) Public Water Supply Government/Non-Profit No Multi-Media Enf. Coordinator Lisa Westbrook EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$20 ADJUSTMENTS (+/-) TO SUBTOTAL 1 ubtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 15.0% Enhancement Subtotals 2, 3, & 7 \$3 Notes Enhancement for three NOVs with the same/similar violations. 0.0% Enhancement Culpability No Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 **Economic Benefit** 0.0% Enhancement\* Subtotal 6 \$0 Total EB Amounts Capped at the Total EB \$ Amount Estimated Cost of Compliance SUM OF SUBTOTALS 1-7 \$23 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Reduces or enhances the Final Subtotal by the indicated percentage Notes Final Penalty Amount \$23 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$100 DEFERRAL 0.0% Reduction Adjustment \$0 Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g.

No deferral is recommended for Findings Orders.

\$100

Notes

PAYABLE PENALTY

Screening Date 3-Jul-2014

Docket No. 2014-0955-PWS-E

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent J&S Water Company, L.L.C.

Case ID No. 48938

Reg. Ent. Reference No. RN101270080 Media [Statute] Public Water Supply Enf. Coordinator Lisa Westbrook

> Cor	npliance Histo Component	Compliance History Worksheet ry Site Enhancement (Subtotal 2) Number of	Enter Numb	er Here	Adjust.	-
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3		15%	
		Other written NOVs	. 0		0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0		0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0		0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0		0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0		0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0		0%	
	Emissions	Chronic excessive emissions events (number of events)	0		0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0		0%	
	Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0		0%	
		Ple	ase Enter Ye	s or No		- 1
		Environmental management systems in place for one year or more	. No		0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No		0%	
		Participation in a voluntary pollution reduction program	No		0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No		0%	
> Rej	peat Violator (		_	_		15
	N/A	Adjustment Per	centage	(Sub	total 3)	0%
> Coi	mpliance Histo	ry Person Classification (Subtotal 7)				
	Satisfactory	Performer Adjustment Per	centage	(Sub	total 7)	0%
> Coi	mpliance Histo	ory Summary.				
	Compliance History Notes	Enhancement for three NOVs with the same/similar violations.				
						····

Screening Date		PCW
	• • • • • • • • • • • • • • • • • • • •	n 2 (September 2002)
Case ID No.		ision October 30, 2008
Reg. Ent. Reference No.		
Media [Statute]		
Enf. Coordinator Violation Number		
Rule Cite(s)	30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f)	
	Failed to timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the	THE PARTY OF THE P
Violation Description	end of the quarter and failed to timely provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR. Specifically, the Respondent did not timely submit DLQORs for the first quarter and the second quarter of 2011 and did not timely provide public notification regarding the failure to timely submit DLQORs for the first quarter and the second quarter of 2011.	
	Base Penalty	\$1,000
>> Environmental, Prope	ty and Human Health Matrix	
Release		
<b>OR</b> Actua Potentia		
>> Programmatic Matrix Falsification	Major Moderate Minor	and the second s
T distriction	Percent 1%	E. de S. con income
Matrix		(0.000) (1.000) (1.000)
Notes	Less than 30% of the rule requirements were not met.	and the state of t
	Adjustment \$990	
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Violation Events		
Number of	Violation Events 2 180 Number of violation days	
2		
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	weekly monthly	and the state of t
mark only one with an x	quarterly X Violation Base Penalty	\$20
With an X	semiannual	
	annual single event	211
	Single event	
		witeerleiter
	Two quarterly events are recommended.	
Good Faith Efforts to Com		\$0
	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	is a second seco
	Ordinary N/A x (mark with x)	
		na av vanasse
	Notes The Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	\$20
Economic Benefit (EB) for		7-0
	ted EB Amount \$25 Violation Final Penalty Total	\$23
	This violation Final Assessed Penalty (adjusted for limits)	\$100

	J&S Water Cor						
Case ID No.							
g. Ent. Reference No.							
	Public Water S	upply				Percent Interest	Years of
Violation No.	1 	er espazio espazio de del Celo	92-447-1980-1990-1980-1980-19	nanies-saa	1848: 7 1   1848   1850   1840   1850   1860   1		Depreciatio
						5.0	]
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
				enouoceae car			e na mundu adalah dan edelah adalah
Delayed Costs							
Equipment			Carrier	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	′ \$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0 \$0
Land		27 May 2014	28-Feb-2015	0.00	\$0 \$2	n/a	\$0 \$2
Record Keeping System	\$45	27-May-2014 27-May-2014	28-Feb-2015	0.76	\$4	n/a n/a	\$4
Training/Sampling	\$100	10-Mar-2011	16-Jul-2014	3.35	\$7	n/a	\$7
Other (as needed) Other (as needed)	\$44 \$100	27-May-2014	28-Feb-2015	0.76	\$4 \$4	n/a	\$4
Other (as needed)	\$50	11-Mar-2011		3.40	\$9	n/a	\$9
Notes for DELAYED costs	operational of properly according from the restimated amount date the repo	guidance and con mplished, includir cord review date ount to prepare a ort was due for th	duct employee t ig the timely sul to the estimated nd submit DLQC e first quarter o	raining omittal d date ORs (\$2 f 2011	to ensure that the of signed and cert of compliance. The 2 per report x 2 nd to the date the re	I amount to update e self-reporting required quarterly DLQ e other delayed cost nissed reports), calco ports were submitted lures to ensure that	uirements are ORs, calculate includes the ulated from the ed. The second
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#### Penalty Calculation Worksheet (PCW) Policy Revision 4 (April 2014) PCW Revision March 26, 2014 Assigned 16-Jun-2014 PCW 7-Aug-2014 Screening 3-Jul-2014 **EPA Due** 30-Jun-2013 RESPONDENT/FACILITY INFORMATION Respondent J&S Water Company, L.L.C Reg. Ent. Ref. No. RN101270080 Facility/Site Region 12-Houston Major/Minor Source Major CASE INFORMATION Enf./Case ID No. 48938 No. of Violations Docket No. 2014-0955-PWS-E Order Type Findings Media Program(s) Public Water Supply Government/Non-Profit No Multi-Media Enf. Coordinator Lisa Westbrook EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum Maximum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$90 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** Subtotals 2, 3, & 7 15.0% Enhancement \$13 Enhancement for three NOVs with the same/similar violations. Notes 0.0% Enhancement Culpability No Subtotal 4 \$0 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments -\$1 Economic Benefit 0.0% Enhancement\* Subtotal 6 \$0 Total EB Amounts \$222 \*Capped at the Total EB \$ Amount Estimated Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$102 OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$102 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$450

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

0.0%

Reduction

Adjustment

\$0

\$450

**DEFERRAL** 

Notes

PAYABLE PENALTY

Screening Date 3-Jul-2014

Docket No. 2014-0955-PWS-E

Respondent J&S Water Company, L.L.C.

Case ID No. 48938

Reg. Ent. Reference No. RN101270080

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

**Compliance History Worksheet** 

Satisfactory		.aa.u.t	/C,.L	hatal "
	ry Person Classification (Subtotal 7)	contage	(~~~	
at Violator ( N/A		rentane	(Subi	total 3
	Adjustment Per	centage	(Subi	total 2
	government environmental requirements	No		0%
	Participation in a voluntary pollution reduction program  Early compliance with, or offer of a product that meets future state or federal	No		0%
Other	under a special assistance program	No		0%
	Voluntary on-site compliance assessments conducted by the executive director			
	Environmental management systems in place for one year or more	ease Enter Ye. No	S OF INO	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0		0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0		0%
Emissions	Chronic excessive emissions events (number of events)	0		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0		0%
nd Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	4 A A A A A A A A A A A A A A A A A A A	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0		0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0		0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0		0%
	Other written NOVs	0		0%
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3		15%

Screening Date		Docket No. 2014-0955-PWS-E	PCW
	J&S Water Company, L.L.C.		Policy Revision 4 (April 2014)
Case ID No. Reg. Ent. Reference No.			PCW Revision March 26, 2014
Media [Statute]			
Enf. Coordinator			
Violation Number	1		
Rule Cite(s)	20 Toy Admin Codo 55 200 11	0(0)(4)(4) and (5)(2) and 200 122(-)(2)(4)	-1.6
	30 Tex. Admin. Code 99 290.11	.0(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) a	na (t)
Violation Description	to the Executive Director each of the quarter and failed to of the public notification to the DLQOR. Specifically, the Responsive of 2011, the first quarter of 2011, the first quarter through the formula to the first quarter through the formula to the first quarter through the	ectant Level Quarterly Operating Report ("DLC quarter by the tenth day of the month following timely provide public notification and submit a Executive Director regarding the failure to sub condent did not timely submit DLQORs for the earter through the fourth quarter of 2012, and courth quarter of 2013 and did not timely proven failure to submit DLQORs for the second quarter 2013.	ng the a copy omit a third the ide
		Base Pe	enalty \$1,000
>> Engironmental Da	tu and Uniman Harlet se		,
>> Environmental, Proper	ty and Human Health Ma Harm	IUIX	
Release	Major Moderate	Minor	
OR Actual			
Potential		Percent 0.0%	
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
<u> </u>		X Percent 1.0%	
Matrix	Less than 30% of the rul	e requirements were not met.	
Notes		e requirements were not met.	
		Adjustment	\$990
		and the second of the second of the second of	\$10
			\$10
Violation Events			
Number of N	Violation Events 8	730 Number of violation days	TOTAL CONTRACTOR
Namber of	Notation Events 8	Multiper of Violation days	
	daily		
	weekly		
mark only one	monthly quarterly x	Malakian Basa Ba	
with an x	quarterly x semiannual	Violation Base Pe	nalty \$80
	annual		
	single event		
	Eight quarterly eve	ents are recommended.	
Good Faith Efforts to Com	ply 0.0%	<b>.</b>	# # # # # # # # # # # # # # # # # # #
Sood ( altii Liioi is to com)	■ 26 0 1	E/NOV to EDPRP/Settlement Offer	iction \$0
	Extraordinary		
	Ordinary		
	N/A x (ma	ark with x)	
	Notes The Respondent	does not meet the good faith criteria for	
	NOCES	this violation.	
	<u> </u>		
¢		Violation Sub	total \$80
Economic Benefit (EB) for	this violation	Statutory Limit Te	st
	ed EB Amount	\$221 Violation Final Penalty	
	i nis violatio	on Final Assessed Penalty (adjusted for li	nits) \$400

	40330						
Case ID No. g. Ent. Reference No.							
	Public Water S						Years of
Violation No.		шрріу				Percent Interest	Depreciation
violation No.	1					F 0	ABBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBB
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
							-co-sans sansannna dasninin
Delayed Costs				,	<b></b>		
Equipment				0.00	\$0	\$0	\$0
Buildings		Parallel Parallel		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	<u>\$0</u>
Engineering/Construction				0.00	\$0 #0	\$0 n/a	\$0 \$0
Land				0.00	\$0 \$0	n/a	\$0 \$0
Record Keeping System Training/Sampling	<b></b>			0.00	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal		1 - 404, 4, 4 - 40, 1		0.00	\$0 \$0	n/a	\$0
Permit Costs	4176			2.77		<del></del>	
	11 5170	11 10-Oct-2011 I	16-Jul-2014	U Z.//	1 \$24	l n/a l	\$24
Other (as needed)  Notes for DELAYED costs	timely su notifications the Revision DLQORs (\$2	bmittal of signed are provided in a 2 PCW. The first 2 per report x 8	and certified qu timely manner other delayed ( missed reports)	1.07 rting re arterly are cap cost inc , calcul	DLQORs and to entured in the Econoliudes the estimate ated from the date	n/a n/a operly accomplished nsure that all necess omic Benefit for Viol ed amount to prepar the report was due other delayed cost	sary public ation No. 1 of e and submit e for the third
Other (as needed)	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am	11-Jul-2013 costs to ensure the bmittal of signed are provided in a 2 PCW. The first 2 per report x 8 2011 to the date nount to provide provid	4-Aug-2014  at the self-repo and certified qu timely manner other delayed o missed reports) the reports were public notificatio	ting re arterly are cap cost inc , calcul e subm n (\$25	\$1 equirements are pr DLQORs and to eleptured in the Econ cludes the estimate ated from the date nitted. The second per notification x	n/a roperly accomplished rough that all necess romic Benefit for Viol ad amount to prepare the report was due	\$1 d, including the sary public ation No. 1 of e and submit for the third includes the lated from the
Other (as needed)  Notes for DELAYED costs	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	1.07 rting re arterly are cap cost inc , calcul e subm n (\$25 to the	\$1  equirements are properties of the properties of the extended from the date of the extended from the date of the second per notification x date the public notification and the public notification	n/a roperly accomplished resure that all necess romic Benefit for Viol ad amount to prepar the report was due other delayed cost notification), calcu	\$1 d, including the sary public ation No. 1 of e and submit for the third includes the lated from the tted.
Other (as needed)	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	1.07 rting re arterly are cap cost inc , calcul e subm n (\$25 to the	\$1  equirements are properties of the properties of the extended from the date of the extended from the date of the second per notification x date the public notification and the public notification	n/a roperly accomplished resure that all necess romic Benefit for Viole d amount to prepare the report was due other delayed cost 1 notification), calcu tification was submit	\$1 d, including the sary public ation No. 1 of e and submit for the third includes the lated from the tted.
Other (as needed)  Notes for DELAYED costs  Avoided Costs	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	ting rearterly are cap cost incomplete submin (\$25 to the enterin 0.00 10.00	equirements are properties of the properties of	n/a roperly accomplished assure that all necessomic Benefit for Violed amount to prepare the report was due other delayed cost 1 notification), calcutification was submit for one-time avoic \$0 \$0	\$1 If, including the sary public ation No. 1 of e and submit for the third includes the lated from the sted.    Solution
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	ting rearterly are cap cost incomplete submin (\$25 to the entering 0.00 0.00 0.00	equirements are properties of the public of the Econoliudes the estimate atted from the date of the second per notification x date the public noting item (except \$0 \$0 \$0 \$0 \$0	n/a operly accomplished onsure that all necess omic Benefit for Viol ed amount to prepar e the report was due other delayed cost 1 notification), calcu tification was submit for one-time avoic \$0 \$0 \$0 \$0	\$1 d, including the sary public ation No. 1 of e and submit for the third includes the lated from the ted.    Section 1
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel pection/Reporting/Sampling Supplies/Equipment	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	ting rearterly are cap cost incomplete submin (\$25 to the enterile 0.00 0.00 0.00	equirements are properties of the public of the estimate atted from the date of the public normal second per notification x date the public normal second se	n/a roperly accomplished sure that all necess omic Benefit for Violed amount to prepare the report was due other delayed cost 1 notification), calcutification was submit for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$1 d, including the sary public ation No. 1 of e and submit for the third includes the lated from the ted.  \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel Pection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	ting rearterly are calculus (\$25 to the entering 0.00 0.00 0.00 0.00 0.00	\$1 equirements are pr DLQORs and to eleptured in the Econ cludes the estimate ated from the date nitted. The second per notification x date the public nor solution are solutions.    \$0	n/a roperly accomplished assure that all necess omic Benefit for Violed amount to prepare the report was due other delayed cost 1 notification), calcutification was submit for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 If, including the sary public ation No. 1 of the and submit for the third includes the lated from the ted.    So
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel Personnel Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	1.07 rting rearterly are cap cost inc., calcul e subm (\$25 to the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	equirements are properties of the public of the extended of th	n/a roperly accomplished assure that all necessomic Benefit for Violed amount to prepare the report was due other delayed cost 1 notification), calcutification was submit for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 I, including the sary public ation No. 1 of e and submit for the third includes the lated from the tted.  [solution of the step is the
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel pection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	ting rearterly are calculus (\$25 to the entering 0.00 0.00 0.00 0.00 0.00	equirements are properties of the public of the extended of th	n/a roperly accomplished assure that all necess omic Benefit for Violed amount to prepare the report was due other delayed cost 1 notification), calcutification was submit for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 I, including the sary public ation No. 1 of se and submit for the third includes the lated from the tted.  \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel Pection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	1.07 rting rearterly are cap cost inc., calcul e subm (\$25 to the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	equirements are properties of the public of the extended of th	n/a roperly accomplished assure that all necessomic Benefit for Violed amount to prepare the report was due other delayed cost 1 notification), calcutification was submit for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 I, including the sary public ation No. 1 of e and submit for the third includes the lated from the tted.  [solution of the step is the
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel Personnel Supplies/Equipment Financial Assurance [2]  DNE-TIME avoided costs [3]	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	1.07 rting rearterly are cap cost inc., calcul e subm (\$25 to the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	equirements are properties of the public of the extended of th	n/a roperly accomplished assure that all necessomic Benefit for Violed amount to prepare the report was due other delayed cost 1 notification), calcutification was submit for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 I, including the sary public ation No. 1 of e and submit for the third includes the lated from the tted.  [solution of the steel of
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel Personnel Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	1.07 rting rearterly are cap cost inc., calcul e subm (\$25 to the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	equirements are properties of the public of the extended of th	n/a roperly accomplished assure that all necessomic Benefit for Violed amount to prepare the report was due other delayed cost 1 notification), calcutification was submit for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 I, including the sary public ation No. 1 of e and submit for the third includes the lated from the tted.  [solution of the step is the
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel Personnel Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	1.07 rting rearterly are cap cost inc., calcul e subm (\$25 to the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	equirements are properties of the public of the extended of th	n/a roperly accomplished assure that all necessomic Benefit for Violed amount to prepare the report was due other delayed cost 1 notification), calcutification was submit for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 I, including the sary public ation No. 1 of e and submit for the third includes the lated from the tted.  [solution of the step is the
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel Personnel Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	1.07 rting rearterly are cap cost inc., calcul e subm (\$25 to the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	equirements are properties of the public of the extended of th	n/a roperly accomplished assure that all necessomic Benefit for Violed amount to prepare the report was due other delayed cost 1 notification), calcutification was submit for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 I, including the sary public ation No. 1 of e and submit for the third includes the lated from the tted.  [solution of the step is the
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel Personnel Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	1.07 rting rearterly are cap cost inc., calcul e subm (\$25 to the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	equirements are properties of the public of the extended of th	n/a roperly accomplished assure that all necessomic Benefit for Violed amount to prepare the report was due other delayed cost 1 notification), calcutification was submit for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 I, including the sary public ation No. 1 of e and submit for the third includes the lated from the tted.  [solution of the step is the
Avoided Costs  Avoided Costs  Disposal Personnel Dection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$25  The delayed of timely su notifications the Revision DLQORs (\$2 quarter of estimated am dat	osts to ensure the bmittal of signed are provided in a 2 PCW. The first 22 per report x 8 2011 to the date nount to provide per the public notification.	4-Aug-2014 at the self-repo and certified qu timely manner other delayed o missed reports) the reports wer public notificatio cation was due	1.07 rting rearterly are cap cost inc., calcul e subm (\$25 to the 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	equirements are properties of the public of the extended of th	n/a roperly accomplished assure that all necessomic Benefit for Violed amount to prepare the report was due other delayed cost 1 notification), calcutification was submit for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 I, including the sary public ation No. 1 of e and submit for the third includes the lated from the tted.  [solution of the step is the

Screening Date		PCW
Kesponden Case ID No	40000	V Revision 4 (April 2014)
Reg. Ent. Reference No	(*)	Revision March 26, 2014
	Public Water Supply	
Enf. Coordinato Violation Numbe	504	
Rule Cite(s	<u> </u>	
Violation Descriptio	Failed to timely mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to timely submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements. Specifically, the Respondent did not timely mail the consumer notification to the persons served at the locations sampled and did not timely submit the consumer notification and the required certification to the TCEQ for the January 1, 2013 through December 31, 2013 monitoring period.	
	Base Penalty	\$1,000
>> Environmental, Prope	erty and Human Health Matrix	
Releas	Harm e Major Moderate Minor	
OR Actu		AND Company of the Co
Potenti	al Percent 0.0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor x Percent 1.0%	
Matrix Notes	Less than 30% of the rule requirement was not met.	
	Adjustment \$990	
		\$10
Violation Events		
		<b>期</b>
Number o	f Violation Events 1 90 Number of violation days	1.000000
	daily	XX
	weekly monthly	
mark only one with an x	quarterly Violation Base Penalty	\$10
	semiannual	
	annual single event x	
<b></b>		<b>a</b>
	One single event is recommended.	
Good Faith Efforts to Co	mply 10.0% Reduction	\$1
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	Ψ+1
	Extraordinary Cordinary x	
	Ordinary x N/A (mark with x)	
	Notes The Respondent achieved compliance on July 16, 2013.	
	Violation Subtota	\$9
Economia Davasta (FD) (		43
Economic Benefit (EB) fo	or this violation Statutory Limit Test	
Estim	ated EB Amount \$1 Violation Final Penalty Tota	\$11
3325339343399519419355555555555555555555555	This violation Final Assessed Penalty (adjusted for limits)	\$50

	E	conomic	Benefit	Wo	rksheet		
Respondent	J&S Water Co	mpany, L.L.C.	tongsbande8866666666666666666666666666666666666	ina mualtaata			
Case ID No.		,,					
Rea. Ent. Reference No.		1					
estra filotti. Han an en eraka kan anaka abada abada abada in bilan kan bilan abada bata abada bata	Public Water S						Years of
Violation No.		очрыу				Percent Interest	Depreciation
Violation 140.	_					- 0	1
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System			operation of the posts	0.00	\$0	n/a	\$0
Training/Sampling		<b>_</b>		0.00	\$0	n/a	\$0
Remediation/Disposal			ad gray is New 16, New 18 and in	0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$55	31-Dec-2013	16-Jul-2014	0.00	\$0 \$1	n/a n/a	\$0 \$1
Notes for DELAYED costs	were sampled	d and to the TCEQ	((\$0.50 x 10 sa	ampled	locations + \$50) >	sons served at the (1 year), calculated otification was subm	from the date
Avoided Costs	ΑΝΝΙΙΔΙ	IZE [1] avoided	costs before	nterio	a item (excent l	or one-time avoid	led costs)
Disposal				0.00	\$0	\$0	\$0
Personnel			ilgs engantition it was	0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	grafija in krajen le		niaktriaties Okyyy i kyyyyr	0.00	\$0	\$0	\$0
Supplies/Equipment	ggjennangues, dil	page 1 July 1818		0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]		interesiment Acete	rintika ayan maha	0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$55			TOTAL		\$1

The TCEQ is committed to accessibility. To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# ICEQ Compliance History Report

PUBLISHED Compliance History Report for CN602975252, RN101270080, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, CN602975252, J&S Water Company, L. L. C. Classification: SATISFACTORY **Rating:** 11.68

or Owner/Operator:

Classification: NOT APPLICABLE Rating: N/A RN101270080, WOODLAND ACRES Regulated Entity:

SUBDIVISION

**Complexity Points:** 

N/A Repeat Violator: N/A

CH Group: 14 - Other

4914 RIVERVIEW DRIVE, NEAR MONT BELVIEU, CHAMBERS COUNTY, TEXAS Location:

TCEQ Region: **REGION 12 - HOUSTON** 

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0360027

Compliance History Period: September 01, 2008 to August 31, 2013 Rating Year: 2013 Rating Date: 09/01/2013

Date Compliance History Report Prepared: July 02, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 02, 2009 to July 02, 2014

TCEO Staff Member to Contact for Additional Information Regarding This Compliance History.

Phone: (512) 239-1160 Name: Lisa Westbrook

#### Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

3) If YES for #2, who is the current owner/operator?

4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A

5) If YES, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees: N/A

**B.** Criminal convictions:

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1

11/13/2013 (1172542)

CN602975252

Self Report? NO

Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description:

DLOOR MR 202013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEO for the second quarter of 2013 within the

required timeline.

2

Date:

02/26/2014 (1172542)

CN602975252

Self Report? NO

Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

DLQOR MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting

violation during the second quarter of 2013.

3

Date:

05/20/2014 (1172542)

CN602975252

Self Report? NO Citation:

Classification: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description:

DLOOR MR 4Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2013 within the

required timeline.

Self Report?

Classification:

Moderate

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description:

DLOOR MR 302013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2013 within the

required timeline.

#### F. Environmental audits:

N/A

## G. Type of environmental management systems (EMSs):

#### H. Voluntary on-site compliance assessment dates:

#### I. Participation in a voluntary pollution reduction program:

N/A

#### J. Early compliance:

N/A

#### Sites Outside of Texas:

N/A

## **Component Appendices**

#### Appendix A

## All NOVs Issued During Component Period 7/2/2009 and 7/2/2014

1

Date:

07/28/2009

(762806)

CN602975252

Moderate

Self Report? NO

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)

Description:

Failure to provide scales for determining the amount of disinfectant used daily, as

well as the amount of disinfectant remaining for use.

Classification:

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description:

Failure to provide a full-face self-contained breathing apparatus or supplied air

respirator that meets OSHA standards for construction and operation which must

be located outside the chlorination room in an accessible location.

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)

Description:

Failure to properly maintain the regulated entities by not repairing the down portions of the water plant fence, removing the trash and storm debris from the water plant and cutting back and controlling the trees and brush along the fence including maintaining the barb wire in a 45 degree angle with the smooth side of the fence on the outer wall for proper security at the facility. (Water Plant # 1)

Classification:

Moderate

Self Report? NO For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description:

Failure to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather

conditions.

2

3

09/13/2011

(1172542)

CN602975252

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation:

Date:

30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description:

DLOOR MR 2Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2011 within the

required timeline.

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description:

DLQOR MR 1Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2011 within the required

timeline.

11/14/2011

NO

(957575)

CN602975252

Classification:

Moderate

Self Report?

Date:

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)

Description:

Failure to properly maintain the regulated entities by not repairing the down portions of the water plant fence, removing the trash and storm debris from the

water plant and cutting back and controlling the trees and brush along the fence including maintaining the barb wire in a 45 degree angle with the smooth side of the fence on the outer wall for proper security at the facility. (Water Plant # 1)

Classification: Minor Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.43(c)

Description:

Failure to provide each ground storage tank with a ladder to facilitate routine inspection of roof hatches, vents, overflows, the structural integrity of the roof covering, and the protective coating of the interior by agency inspectors and the

water system operator.

Classification:

Moderate

NO Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description:

Failure to conduct an inspection of the pressure tanks annually, to determine that the pressure release device and pressure gauge are working properly, the air-water ratio is being maintained at the proper level, the exterior coating

systems are continuing to provide adequate protection to all metal surfaces, and that the tank remains in a watertight condition. Pressure tanks provided with an inspection port must have the interior surface inspected every five years.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description:

Failure to provide a housed and locked enclosure for hypochlorinator solution

containers and pumps, to protect them from vandalism and adverse weather conditions. The solution container lid must be properly covered and sealed to prevent the entry of dust, insects, and other contaminants.

Classification: Minor

NO Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.44(d)(6)

Description:

Failure to design a system to afford effective circulation of water with a minimum of dead ends. All dead-end mains must be provided with acceptable flush valves and discharge piping. All dead-end lines less than two inches in diameter will not require flush valves if they end at a customer service. Where dead ends are necessary as a stage in the growth of the regulated entity, they must be located and arranged with a view to ultimately connecting them to provide circulation.

Date:

12/14/2012

NO

NO

(1172542)

CN602975252

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

DLOOR MR PN 202011 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting

violation during the second quarter of 2011.

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

DLOOR MR PN 1Q2011 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the first quarter of 2011.

5

Date:

11/13/2013

(1172542)

CN602975252 Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5)

30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description:

DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2013 within the

required timeline.

Date:

02/26/2014

(1172542)

CN602975252

Classification: Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

DLQOR MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting

violation during the second quarter of 2013.

7

Date:

05/20/2014

NO

(1172542)

CN602975252

Moderate

NO Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2)

Description:

30 TAC Chapter 290, SubChapter F 290.110(f)(3) DLOOR MR 402013 - The system failed to monitor and/or report distribution

disinfectant residuals to the TCEQ for the fourth quarter of 2013 within the

required timeline.

Classification:

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description:

DLQOR MR 3Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2013 within the

required timeline.

## Appendix B

## All Investigations Conducted During Component Period July 02, 2009 and July 02, 2014

		(762806)		
Item 1	July 20, 2009**	For Informational	Purposes	Only
		(957575)		
Item 2	November 07, 2011**	For Informational	Purposes	Only
		(1008924)		
Item 3	September 10, 2012*	*For Informational	Purposes	011/
		(1172542)		
Item 4	June 09, 2014	For Informational	Purposes	Only
		(1173096)		
Item 5	June 13, 2014	For Informational	Purposes	Only

<sup>\*</sup> No violations documented during this investigation

<sup>\*</sup> NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

<sup>\*\*</sup>Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
J&S WATER COMPANY, L.L.C.	§	
RN101270080	§	ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2014-0955-PWS-E

At its							on Environn		
("the Commissi	on" or	"TCEQ")	considered	this	agreement	of tl	he parties,	resolving	an
enforcement ac									
authority of TEX									
the Enforcement	Division	n, and the	Respondent	prese	nted this ag	reeme	ent to the Co	mmission.	Ü

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

#### I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 4914 Riverview Drive, near Mont Belvieu, Chambers County, Texas (the "Facility") that has approximately 234 service connections and serves at least 25 people per day for at least 60 days per year.

- 2. During a record review conducted from May 27, 2014 through June 13, 2014, TCEQ staff documented that the Respondent did not timely submit Disinfectant Level Quarterly Operating Reports ("DLQOR") for the first quarter through the third quarter of 2011, the first quarter through the fourth quarter of 2012, and the second quarter through the fourth quarter of 2013 and did not timely provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs for the first and second quarters of 2011 and the second quarter of 2013.
- 3. During a record review conducted from May 27, 2014 through June 13, 2014, TCEQ staff documented that the Respondent did not timely mail the consumer notification to the persons served at the locations sampled and did not timely submit the consumer notification and the required certification to the TCEQ for the January 1, 2013 through December 31, 2013 monitoring period.
- 4. The Respondent received notice of the violations on June 17, 2014.
- 5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. On July 16, 2014, provided the DLQORs for the first quarter through the third quarter of 2011, the first quarter through the fourth quarter of 2012, and the second quarter through the fourth quarter of 2013;
  - b. On July 16, 2014, provided the lead consumer notification for the January 1, 2013 through December 31, 2013 monitoring period; and
  - c. On August 4, 2014, provided the public notifications regarding the failure to submit DLQORs for the first and second quarters of 2011 and the second quarter of 2013.

## II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the Respondent failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to timely provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR, in violation of 30 Tex. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f).
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to timely mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to timely submit to the TCEQ a copy of the consumer

notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements, in violation of 30 Tex. ADMIN. CODE § 290.117(i)(6) and (j).

- 4. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 5. An administrative penalty in the amount of Five Hundred Fifty Dollars (\$550) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). The Respondent has paid the Five Hundred Fifty Dollar (\$550) administrative penalty.

#### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Five Hundred Fifty Dollars (\$550) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: J&S Water Company, L.L.C., Docket No. 2014-0955-PWS-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including but not limited to the public notifications regarding the failure to submit DLQORs, in accordance with 30 Tex. Admin. Code § 290.122; and

- ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 Tex. ADMIN. CODE § 290.110.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.ii.; and
- c. Within 90 days after the effective date of this Agreed Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 Tex. Admin. Code § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

d. Within 285 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this

paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	2/18/15 Date
I, the undersigned, have read and understand the attached Agreed Order in the matter of J&S Water Company, L.L.C. I am authorized to agree to the attached Agreed Order on behalf of J&S Water Company, L.L.C., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.	
I understand that by entering into this Agreed Order, J&S Water Company, L.L.C. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.	
<ul> <li>I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in: <ul> <li>A negative impact on compliance history;</li> <li>Greater scrutiny of any permit applications submitted;</li> <li>Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;</li> <li>Increased penalties in any future enforcement actions;</li> <li>Automatic referral to the Attorney General's Office of any future enforcement actions; and</li> <li>TCEQ seeking other relief as authorized by law.</li> </ul> </li> <li>In addition, any falsification of any compliance documents may result in criminal prosecution.</li> </ul>	
Jan Mouling Signature	2-2-15 Date
Name (Printed or typed) Authorized Representative of J&S Water Company, L.L.C.	<u>fresident/Owner</u> Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.